

# Easements discussed

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ALASKA  
In preparation for the visit to Alaska next week of Interior Secretary Thomas Kleppe, Interior's legislative counsel, Ken Brown, paid a visit to the Alaska Federation of Natives on Tuesday, Aug. 24, to discuss the continuing easement controversy and hold-up of land conveyance to native corporations under terms of the Alaska Native Claims Settlement Act.

Jake Lestenkof, AFN's vice president for land, reports that it was a "sensing meeting" in which Brown hoped to get an idea of AFN's attitude toward attempts at interim conveyances while a law suit, initiated by AFN and six regional corporations on May 4, 1976, is pending in the courts.

All conveyances were suspended when that suit was

filed and it is not known how permanent the hold order will be. Although this is a common procedural move of which AFN was aware when it filed suit, Lestenkof says the plaintiffs had hoped that the hold order would not come to pass.

Meanwhile, early this month, after special negotiations, an agreement between Interior and Arctic Slope Regional Corporations was reached allowing for the first major conveyance of nearly four million acres to

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take place within the next few months.

Lestenkof says it is too early to say what AFN's attitude is or whether Brown came away from the meeting sensing happiness or unhappiness with the current situation. But Lestenkof did say that he feels Brown probably saw that regional corporations are interested in negotiating with Interior as Arctic Slope did, but only on a unilateral basis, region by region.

When asked why only unilateral negotiations, Lestenkof says that there are just too many different attitudes on the easement question and that the issues are not the same in the arctic as in Kodiak, for example.

He predicts that agreements for interim conveyance will be forthcoming soon between Interior and Bristol Bay Native Corporation and Koniag, Inc.

As for the status of the litigation, ANF Has received word that one of their major complaints in the suit is being resolved. The suit has charged

that the secretary, by not publishing easement orders as formal regulations open for public comment, violated the Administrative Procedures Act.

Lestenkof says it now looks like those orders will be published soon as regulations. Normally a 60-day period follows when public comment on the regulations is invited, again technically freezing any actions on conveyance of land.

Another issue to be resolved before court action can take place is where the case will be tried. The Justice Department, which represents Interior is attempting to have the case moved back to Alaska. AFN opposes the move. Lestenkof says that the federation feels that since authority lies in Washington, D.C., and since that is where the orders are published it is more appropriate that the case be tried there.

Calling the attempt to transfer the case a "federal tendency," he says that the Justice Department feels that cases should

be tried in the state from which the charges were brought. Oral hearings will be held in Washington sometime in early September on whether the case should be transferred back to Alaska.

Secretary of Interior Kleppe will meet with AFN on Sept. 8 in Anchorage. Lestenkof says no agenda has been formalized yet but he's sure the discussion will center around conveyance problems.